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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/849,570	05/04/2001	Franck Abelard	PF000039	9695

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EXAMINER

TRAN, THAI Q

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/849,570	Applicant(s) ABELARD ET AL.	
	Examiner Thai Tran	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 10 is/are rejected.
- 7) ☒ Claim(s) 7-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed Aug. 22, 2005 have been fully considered but they are not persuasive.

Applicant argues that the applied reference, Matsumura, does not teaches, suggest or anticipate the claimed steps of "establishing an order of decoding the pictures" and "commanding said video decoder to decode a picture upon availability of a reconstruction buffer" of claim 1 as taught in the applicant's specification and "means for selecting pictures to be decoded" and "means for monitoring the availability for write access of reconstruction buffers" of claim 10 as taught in the applicant's specification because the claims must be taken in light of the specification (the applicant is his own lexicographer).

In response, the examiner respectfully disagrees. MPEP 2111 states that "During patent examination, the pending claims must be "given the broadest reasonable interpretation consistent with the specification"... The court explained that "reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from "reading limitations of the specification into a claim," to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim." ...".

When the claimed limitations ""establishing an order of decoding the pictures" and "commanding said video decoder to decode a picture upon availability of a reconstruction buffer" of claim 1 given the broadest reasonable interpretation consistent

with the specification is anticipated by the decoding order to Matsumura and the frame memories of Matsumura because the decoder of Matsumura decodes a picture upon availability of a reconstruction buffer. The sequentially overwriting the non-vacant frame memories beginning from the frame memory storing a picture decoded first of Matsumura is also anticipated the claimed "decoding a picture upon availability of a reconstruction buffer because the non-vacant frame memories to be overwritten are considered to be available during decoding.

Matsumura anticipates claim 10 for the same reasons as discussed in claim 1 above.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Matsumura et al (US 6,751,400 B1) as set forth in the last Office Action.

Regarding claim 1, Matsumura et al discloses a method for decoding compressed video pictures in a video decoding device (Fig. 2) comprising a random access source of coded video pictures, a video decoder and a plurality of reconstruction buffers for storing decoded pictures, said method comprising the steps of:

establishing an order to decoding pictures (decoding order and display order disclosed in col. 8, lines 9-23); and

commanding said video decoder to decode a picture upon availability of a reconstruction buffer (steps (a), (b), and (c) disclosed in col. 6, lines 23-38).

Regarding claim 2, Matsumura et al discloses the claimed locking access to a reconstruction buffer containing a picture to be displayed until display of said picture (step (b) disclosed in col. 6, lines 28-33); and commanding the decoding of a further picture upon availability of an unlocked reconstruction buffer (step (c) disclosed in col. 6, lines 34-38).

Regarding claim 3, Matsumura et al discloses the claimed wherein said step of establishing an order for decoding pictures comprises the steps of:

determining a list of picture to be displayed among pictures in said stream (display order disclosed in col. 8, lines 9-23); and

recursively determining chains of predictors for said pictures to be displayed, and inserting said predictors in said list of pictures to be displayed in the order required for decoding predictors before pictures depending on said predictors (the I, P, and B pictures of the display order disclosed in col. 8, lines 9-23).

Regarding claim 4, Matsumura et al discloses the claimed wherein said compressed video stream comprises pictures in the order of decoding, further comprising the steps of determining for a bidirectional picture a nearest and a farthest predictor, where said nearest predictor is the picture appearing in the stream closest to

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said bi-directional picture, said farthest predictor being decoded prior to said nearest predictor (the decoding of I, P, and B pictures disclosed in col. 1, lines 47-55).

Regarding claim 5, Matsumura et al discloses wherein said step of determining an order of decoding pictures comprises the steps of:

loading predetermined information descriptive of the contents of the video stream (the I, P, and B pictures of the display order disclosed in col. 8, lines 9-23); and

deriving said order of decoding pictures from said information as a function of a selected display mode ((the I, P, and B pictures of the display order disclosed in col. 8, lines 9-23).

Regarding claim 10, Matsumura et al discloses video decoding device (Fig. 2) comprising:

a random access source of a compressed video stream including coded pictures (the driving unit 2 disclosed in col. 5, lines 46-51);

means for selecting pictures to be decoded (the decoding unit 6 disclosed in col. 6, lines 48-58);

a plurality of reconstruction buffers for storing decoded pictures (the memory 8 disclosed in col. 5, lines 58-63);

a video decoder for decoding coded pictures (the decoding unit 6 disclosed in col. 6, lines 48-58); and

means for monitoring the availability for write access of reconstruction buffers and for controlling said video decoder to decode a selected picture upon availability of a reconstruction buffer, wherein the availability of a reconstruction buffer is determined by

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the status of the display of a picture contained in said reconstruction buffer (steps (a), (b), and (c) disclosed in col. 6, lines 23-38).

Allowable Subject Matter

4. Claims 7-9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

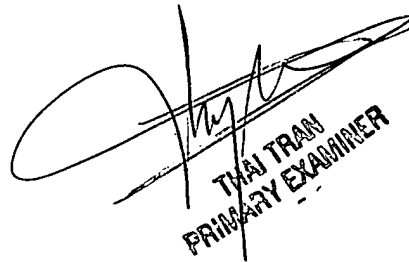
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (571) 272-7382. The examiner can normally be reached on Mon. to Friday, 8:00 AM to 5:30 PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTQ



THAI TRAN
PRIMARY EXAMINER